

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

Case No. 5473  
Date Filed 1/24/05  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$50.00

*Shaded Areas for Office Use Only*

**Type of Application**

- \_\_\_\_ Administrative Decision/Interpretation  
\_\_\_\_ Special Exception  
\_\_\_\_ Use Variance  
\_\_\_\_ Change/Extension of Non-Conforming Use  
\_\_\_\_ Minor Area Variance  
\_\_\_\_ Area Variance  
☒ Variance from Requirements of the Code  
\_\_\_\_ Zoning Map/Drafting Correction  
\_\_\_\_

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5473 MAP 65 TYPE Area Variance

ELECTION DISTRICT 01 LOCATION 419 Breslin Rd., Joppa

BY Phyllis M. Mindurski

Appealed because a minor area variance pursuant to Ordinance 6, Section 10.05 of the Harford County Code to permit a sunroom addition to encroach the minimum 35' rear yard setback (30' proposed) in the R3/CDP District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Owner (please print or type)**

Name Phyllis M. Mindurski Phone Number 410-538-7111

Address 419 Breslin Rd. Joppa, MD 21085  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Contractor**

~~Attorney/Representative~~ Patio Enclosures Inc. Phone Number 410-760-1919

Address 224 8th Ave NW Glen Burnie, MD 21061  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 419 Breslin Rd. Joppa MD 21085 390 feet south of intersection  
with Barksdale Rd.

Subdivision Joppatowne Lot Number 6

Acreage/Lot Size 9,540 sq' Election District 01 Zoning R3

Tax Map No. 65 Grid No. 4A Parcel 707 Water/Sewer: Private \_\_\_\_\_ Public x / x

List ALL structures on property and current use: Single Family Dwelling.

Estimated time required to present case: Twenty Min.

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No xx

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No xx

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No xx

## Request

Request a variance to allow the construction of a one story, aluminum framed  
glass and screen, 12' x 12' sunroom on the rear of the SFD on a new concrete  
foundation with a rear yard setback of 30' in lieu of the required 35'

## Justification

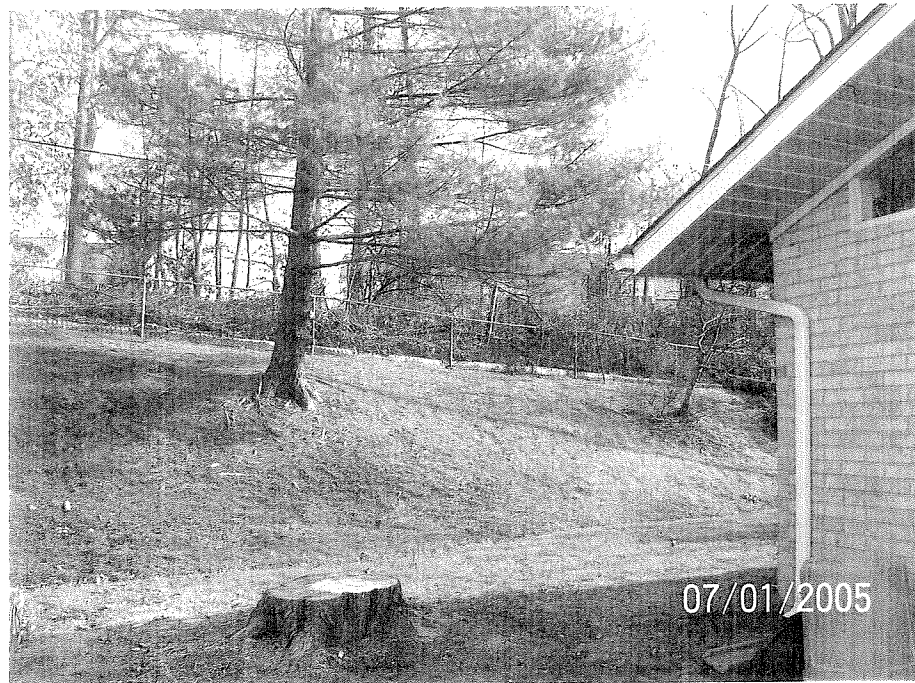
The proposed sunroom is modest in size (144 sq')

The last 20-25' of rear yard is a steep incline up to a 15' elevation (see photo)

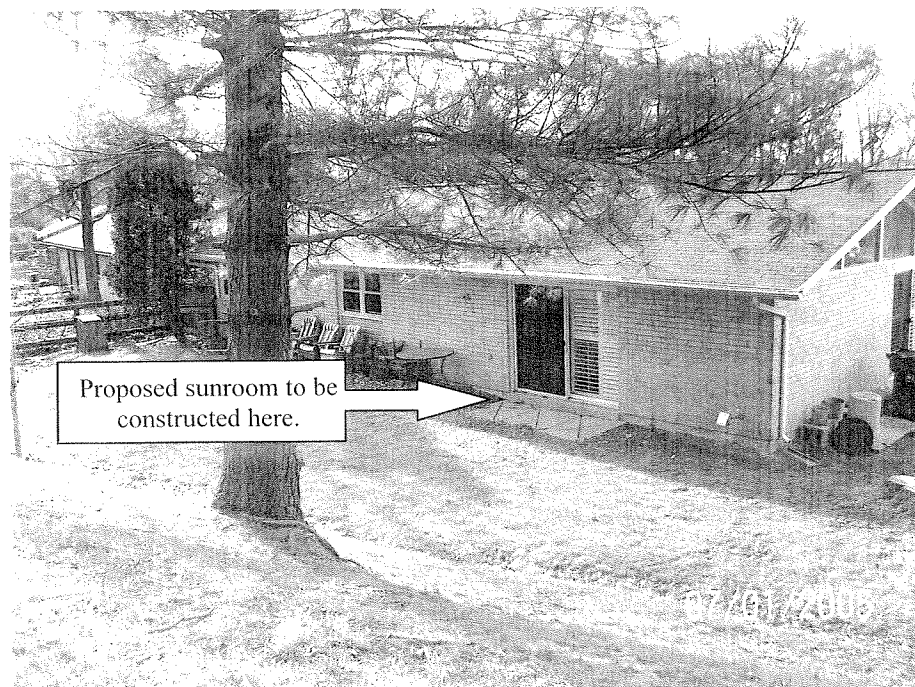
The proposed location would not impair the view from neighboring properties

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

*Variance Photo's for 419 Breslin Rd.  
Joppa, MD 21085*

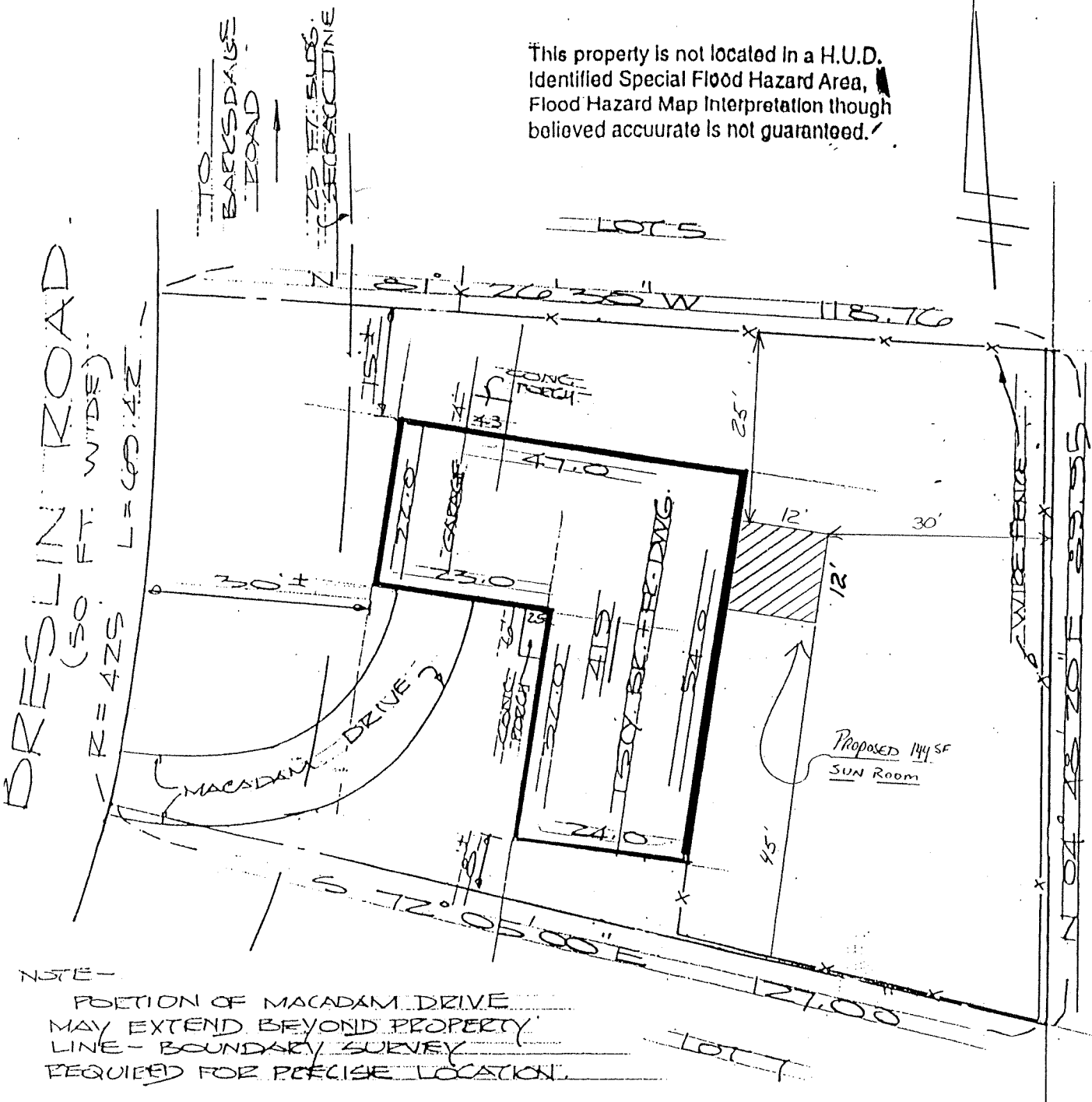


*View of rear of property as seen from left side yard looking back.*



*View of proposed sunroom location on rear of SFD as seen from top  
Of hill in rear corner of property.*

This property is not located in a H.U.D. Identified Special Flood Hazard Area, Flood Hazard Map Interpretation though believed accurate is not guaranteed.



NOTE -  
PORTION OF MACADAM DRIVE  
MAY EXTEND BEYOND PROPERTY  
LINE - BOUNDARY SURVEY  
REQUIRED FOR PRECISE LOCATION.

*Mandinski*  
# 31562  
1-10-05

Lot 6, Block 5, Amended Plat of Section  
I, JOPPATOWNE, Plat Book G.R.G. No. 11,  
Folio 108

This plat is of benefit to a consumer only insofar as it is required  
by a lender or a title insurance company or its agent in connection  
with contemplated transfer, financing or re-financing.  
This plat is not to be relied upon for the establishment or location  
of fences, garages, buildings, or other existing or future improvements.  
This plat does not provide accurate identification of property  
boundary lines but such identification may not be required for the  
transfer of title or securing financing or re-financing.  
This is to certify that this drawing meets the Minimum  
Standards of Practice of the State of Maryland.

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

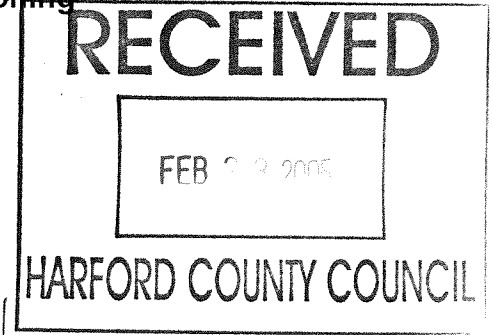
## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

February 11, 2005

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5473



APPLICANT/OWNER: Phyllis M. Mindurski  
419 Breslin Road, Joppa, Maryland 21085

REPRESENTATIVE: Contractor: Patio Enclosures Inc.  
224 8<sup>th</sup> Ave NW Glen Burnie, Maryland 21061

LOCATION: 419 Breslin Road - Joppatowne  
Tax Map: 65 / Grid: 4A / Parcel: 707 / Lot: 6  
Election District: First (1)

ACREAGE: 9,540 square feet

ZONING: R3/Urban Residential District

DATE FILED: January 24, 2005

HEARING DATE: March 16, 2005

### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

"Request a variance to allow the construction of a one story, aluminum framed glass and screen, 12-foot x 12-foot sunroom on the rear of the single-family dwelling on a new concrete foundation with a rear yard setback of 30-feet in lieu of the required 35-feet."

#### Justification:

*Preserving our values, protecting our future*

## STAFF REPORT

Board of Appeals Case Number 5473

Phyllis Mindurski

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“The proposed sunroom is modest in size (144 square feet)

The last 20-25-feet of the rear yard is a steep incline up to a 15-foot elevation (see photo) The proposed location would not impair the view from neighboring properties.” (Attachment 1)

### **CODE REQUIREMENTS:**

The Applicant is requesting a minor area variance pursuant to Ordinance 6, Section 10.05 of the Harford County Code (1957 Zoning Ordinance) to permit a sunroom addition to encroach the minimum 35-foot rear yard setback (30-foot proposed) in the R3/Urban Residential District/Community Development Project).

Enclosed with the report is a copy of Ordinance 6, Section 10.05 of the Harford County Code (1957 Zoning Ordinance) (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant’s property is located in the southwest area of the County, in the community of Joppatowne. The property is situated on the east side of Breslin Road, south of Barksdale Road. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 3 and 4).

This area of the County is located within the Development Envelope. Land use designations in the area include Low, Medium and High Intensities. The Natural Features map reflects Chesapeake Bay Critical Area, Parks, Stream Systems, Habitats of Local Significance and Sensitive Species Project Review Areas. The Applicant’s property is located in the Medium Intensity, which is defined by the Master Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

#### **Land Use – Existing:**

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The area includes both commercial and residential development. Residential uses include single-family dwelling, garden apartments, townhouses and condominiums. Commercial uses include

## STAFF REPORT

Board of Appeals Case Number 5473

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shopping centers, individual retail and service uses. Other land uses include schools, churches, a library and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The property is situated on the east side of Breslin Road. The lot is rectangular in shape and approximately 9,540-square feet in size. The topography of the lot rises up from the road to the front of the house and remains level to a point approximately 15 to 20-feet to the rear of the dwelling. At this point the topography rises sharply upward to the rear of the lot. There is an elevation difference of approximately 10 to 15 feet between this lot and the property to the rear. The area immediately to the rear of the subject lot is wooded. There is a drainage swale located at the base of the embankment. Improvements consist of a brick and frame L-Shaped one story single-family dwelling with an attached one car garage and blacktopped driveway. There are sliding glass doors from the left side of the dwelling onto a small concrete pad and an additional set of doors off the rear onto a concrete patio. A portion of the rear yard is fenced. The property is nicely landscaped with large mature trees and shrubbery. Enclosed with the report is a topographic map, site photographs, and an enlargement of the aerial photograph (Attachments 8, 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning includes B2/Community Business and B3/General Business Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 11).

### SUMMARY:

The Applicant is requesting a minor area variance pursuant to Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance, to permit a sunroom addition to encroach the minimum 35-foot rear yard setback (30-foot proposed), in the R3/Urban Residential District/Community Development Project.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The rear portion of the lot slopes up steeply to the rear property line. There is a drainage swale at the base of the hill which collects standing water. The change in elevation is approximately 10 to 15 feet. The existing dwelling is an L-Shaped rancher with the garage in the front, which moves the main portion of the house further back on the lot as compared to other dwellings. The proposed addition will reduce the

STAFF REPORT

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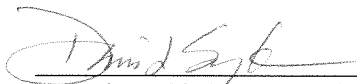
Phyllis Mindurski

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rear yard setback by 5-feet leaving a 30-foot rear yard setback. The property backs up to a wooded open space parcel separating the single-family dwellings from the townhouse development to the rear. The reduced setback will not be noticeable, due to the grade difference and the fact that there is open space located to the rear of this lot. The proposal will have no adverse impact on the neighboring properties or the intent of the Code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved, subject to the Applicant obtaining all necessary permits and inspections for the construction of the sunroom.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf